

Trustees propose the implementation of the United States Fish and Wildlife Service – Natchitoches National Fish Hatchery Alligator Snapping Turtle Head-Start Project as one component of the preferred alternative to compensate the public for wildlife injuries resulting from the Incident. Restoration action(s) for habitat injuries are not proposed at this time, as the Trustees are still evaluating habitat restoration project(s) to address these injuries. When suitable projects are identified, the Trustees will provide details in a subsequent restoration plan that will be made available for public review and comment. After finalization of the Draft DARP, the Trustees will prepare a Final Damage Assessment and Restoration Plan (Final DARP) and make it available to the public.

The Draft DARP is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review this document and submit comments to the mailing or email address listed below. The Trustees will consider comments received during the public comment period before finalizing the Final DARP. Public review of the Draft DARP is consistent with all federal and state laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX, et seq.

Public Participation:

Interested members of the public are invited to view the Draft DARP via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for 2014 Mid-Valley Pipeline Oil Spill Draft Damage Assessment and Restoration Plan Available) or by requesting a copy of the document at the following address:

Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
Attn: Charles K. Armbruster
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
losco@la.gov

Public participation is encouraged. Opportunities to participate in the process include public availability of Administrative Record (AR) documents as well as an opportunity for the public to review and comment on the Draft DARP. The AR can be found at <https://data.losco.org> under "Search Administrative Records".

Comment Submittals:

Comments must be submitted in writing or digitally to Charles K. Armbruster at the above address on or before the end of the 30-day comment period.

For Further Information:

Contact Charles K. Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

Supplementary Information:

On August 20, 2017, the Trustees published a Notice of Intent in the Louisiana Register (Vol. 43, No. 08, pp. 1695-1697) to notify the public that they intended to conduct restoration planning for the Incident, develop restoration alternatives that would restore, replace, rehabilitate, or

acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the Incident, and open an AR to facilitate public involvement in the restoration planning process. Sunoco, Mid-Valley, and the Trustees agreed to settle NRDA liability for a cash amount, and on August 20, 2021, the Trustees published a Notice of Availability of a proposed Settlement Agreement for Natural Resource Damages in the Louisiana Register (Vol. 47, No. 8, pp. 1201-1202). The Trustees did not receive comments during the 30-day public comment period. A copy of the Settlement Agreement is available on LOSCO's website.

Sam Jones
Oil Spill Coordinator

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**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

Notice of Settlement Agreement—Grand Bay Oil Spill

Action:

Notice of Availability of a Settlement Agreement for Natural Resource Damages – LOSCO NRDA case file # LA2019_0401_1830 [Grand Bay]. The Settlement Agreement for Natural Resource Damages is available for public review and comment for 30 days.

Agencies:

Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Coastal Protection and Restoration Authority; Department of Environmental Quality; Department of Natural Resources; and Department of Wildlife and Fisheries (collectively, the "Trustees").

Authorities:

The Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), R.S. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing designated federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from an oil spill. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX.

By letter dated March 27, 2017, and pursuant to 33 U.S.C. §2706(b)(3), the Governor of Louisiana designated the Trustees to act on behalf of the public under OPA. These same agencies serve as State Trustees under OSPRA according to R.S. 30:2451, et seq. and LAC 43:XXIX, Chapter 1, Section 101, et seq. Lobo Operating, Inc. ("Lobo"), as the owner and operator of the pipeline that discharged oil, is the identified Responsible Party and is therefore liable according to 33 U.S.C. § 2702 and R.S. 30:2480 for natural resource damages resulting from the incident.

Summary of Incident:

On or about April 1, 2019, a bulk line connected to Lobo's Grand Bay Tank Battery #1 near Venice, LA experienced a failure (NRC #1241638, LSP #19-01418) (hereinafter the "Incident"). An estimated 20 barrels of crude oil was released into the adjacent waterway and surrounding marsh. Response actions lasted for several weeks and included,

among others, hard and sorbent booming, use of scare cannons (to haze wildlife out of impacted areas), various washing techniques, flushing of impacted marsh and use of skimmers to collect pooled oil, cutting and removal of oiled *Phragmites australis*, and collection and disposal of over 5,300 bags of oily vegetation, trash and debris. Natural resources within the area that provide services to the public were adversely impacted by the discharged oil and response actions, including surrounding coastal herbaceous wetland and wildlife.

On November 20, 2019, the Trustees issued a Notice of Intent to Conduct Restoration Planning for this Incident. The Trustees and Lobo quantified the injuries to natural resources and services utilizing the compensation schedule found at LAC 43:XXIX.121.H.4 and as allowed by 15 C.F.R. §990.27(b)(1)(iii).

Purpose:

Pursuant to LAC 43:XXIX, Chapter 1, Section 101, et seq., notice is hereby given that a document entitled, "Settlement Agreement for Grand Bay Oil Spill" is available for public review and comment. Lobo and the Trustees propose a cash settlement amount to expedite restoration for this Incident and to resolve Lobo's liability for natural resource damages under Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b), and Section 2480 of OSPRA, R.S. 30:2480. The mutual objectives of Lobo and the Trustees in entering into the proposed Settlement Agreement are:

(i). to provide funding to the Trustees to restore, replace, or acquire the equivalent of the natural resources injured, destroyed, or lost as a result of the Incident;

(ii). to provide payment to the Trustees to reimburse the remaining unpaid natural resource damage assessment costs incurred by the Trustees; and

(iii). to resolve the Trustees' claims against Lobo for natural resource damages under OPA and OSPRA as provided herein.

The Settlement Agreement is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review the Settlement Agreement and submit comments to the address listed below. The Trustees will consider comments received during the public comment period on the Settlement Agreement before finalizing the document. The Trustees are in the process of identifying and evaluating potential

restoration projects that will appropriately address injuries to natural resources resulting from the Incident.

Public Participation:

Interested members of the public are invited to view the Settlement Agreement via the internet at <http://www.losco.state.la.us> (under Newsflash/current news for Grand Bay NRDA Settlement Agreement Available For Public Comment) or by requesting a copy of the document from Gina Muhs Saizan at the address provided below:

Gina Muhs Saizan
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
Gina.Saizan@la.gov

Public participation is encouraged. The Trustees have opened an Administrative Record (AR) pursuant to 15 C.F.R. § 990.45 and LAC 43:XXIX.127 to document the basis for the Trustees' decisions pertaining to injury assessment and selection of restoration alternatives. The AR can be found at <https://data.losco.org> under "Search Administrative Records." Additional opportunities for input will include public review and comment on draft restoration planning documents that will identify the Trustees' preferred restoration project(s) for this Incident. Public participation is consistent with all state and federal laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX, Chapter 1, Section 101, et seq.

Comment Submittals:

Comments to the Settlement Agreement must be submitted in writing or digitally to Gina Muhs Saizan on or before the end of the 30-day comment period.

For Further Information:

Contact Gina Muhs Saizan at (225) 925-6606 or by email at Gina.Saizan@la.gov.

Samuel E. Jones
Oil Spill Coordinator

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